

RMK
FINAL
July 27, 1999

ORDINANCE NO. 99-11

AN ORDINANCE ESTABLISHING THE HARBOR BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Shore Properties Partners, Ltd. ("Petitioner") having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, petitioned the Board of County Commissioners of Hillsborough County (the "County") to adopt an ordinance establishing the Harbor Bay Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (1997 & Supp. 1998); and

WHEREAS, Petitioner is a limited partnership authorized to conduct business in the State of Florida whose address is 611 W. Bay Street, Tampa, Florida 33606; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on July 27, 1999; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate, special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the petition; and now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (1997 & Supp.

1998). Sections 190.006 through 190.041, Florida Statutes, serve as the uniform community development district charter.

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within unincorporated Hillsborough County, Florida, which District shall be known as the "Harbor Bay Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 765 acres, the external boundaries of the District are described in Exhibit A attached hereto, the overall parcel containing 765 acres, more or less.

SECTION 4. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses and (ii) security including, but not limited to, guard-houses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, all as authorized and described by Section 190.012(2), Florida Statutes.

SECTION 5. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of

Supervisors are as follows: John R. Paulk, Galen Custard, Glenn Cross, Harry Lerner, and James Kostoryz.

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 6. SEVERABILITY. If any provision of this Ordinance is held illegal or invalid, the other provisions shall remain in full force and effect.


SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of July 27, 1999, as the same appears of records in Minute Book 278 of the Public Records of Hillsborough County, Florida.


WITNESS my hand and official seal this 4th day of August, 1999.


Deputy Clerk



Approved as to form and legal sufficiency:

COUNTY ATTORNEY

By: 
Assistant County Attorney

**HARBOR BAY
COMMUNITY DEVELOPMENT DISTRICT**

**THAT PORTION OF APOLLO BEACH POCKET 101 VESTED BY THE DEPARTMENT
OF COMMUNITY AFFAIRS LETTER**

DATED: JUNE 12, 1998

DESCRIPTION : ALL of Lots 25 through 40 inclusive, Block 39, Lots 41 through 67 inclusive, Block 39, Lots 1 through 4 inclusive, Block 64, Lots 1 through 9 inclusive, Block 65, Lots 1 through 20 inclusive, Block 66 and Lots 1 through 19 inclusive, Block 202, All of Hudson Court, Royal Palm Boulevard and the 15' Lane between Lots 40 and Lot 41, Block 39, of APOLLO BEACH UNIT SIX as recorded in Plat Book 37, Page 88 of the Public Records of Hillsborough County, Florida, Together with that portion of Canals lying adjacent to said Lots within the boundaries of said APOLLO BEACH UNIT SIX, LESS the East 30.00 feet of said Lot 4, Block 64, Together with that part of Golf and Sea boulevard lying West of the Westerly boundary of the East 30.00 feet of said Lot 4, Block 64, and Southerly of the South right-of-way line of Chestnut Drive, of said APOLLO BEACH UNIT SIX, and being more particularly described as follows:

BEGINNING at the Northeasterly corner of said Lot 67, Block 39, run thence S.78°24'38"W., 125.00 feet to a point on a curve on the Northerly right-of-way line of Golf and Sea Boulevard, said point also being the Westerly boundary of said Lot 67, Block 39; thence along said Northerly right-of-way line, Southerly, 53.45 feet along the arc of a curve to the left having a radius of 1040.00 feet and a central angle of 02°56'41" (chord bearing S.13°03'42"E., 53.44 feet); thence S.77°07'08"W., 221.90 feet along the aforesaid South right-of-way line of Chestnut Drive and the Easterly extension thereof to a point of curvature; thence Westerly, 71.23 feet along the arc of a curve to the right having a radius of 304.38 feet and a central angle of 13°24'30" (chord bearing S.83°49'23"W., 71.07 feet) along said South right-of-way line to a point of tangency; thence N.89°28'22"W., 18.00 feet along said South right-of-way line, to a point on the Southerly boundary of the aforesaid APOLLO BEACH UNIT SIX; thence along said Southerly boundary the following nine (9) courses: 1) S.17°28'22"E., 184.01 feet; 2) S.89°28'22"E., 48.52 feet to a point on a curve; 3) Southeasterly, 1531.35 feet along the arc of a curve to the left having a radius of 1305.00 feet and a central angle of 67°14'01" (chord bearing S.55°51'21"E., 1444.99 feet) to a point of tangency; 4) S.89°28'22"E., 1374.19 feet to a point of curvature; 5) Northeasterly, 723.06 feet along the arc of a curve to the left having a radius of 788.28 feet and a central angle of 52°33'18" (chord bearing N.64°14'59"E., 697.97 feet); 6) S.89°22'53"E., 519.05 feet; 7) N.00°37'07"E., 587.83

EXHIBIT A

feet to a point of curvature; 8) Northerly, 17.70 feet along the arc of a curve to the left having a radius of 50.00 feet and a central angle of $20^{\circ}16'51''$ (chord bearing $N.09^{\circ}31'18''W.$, 17.61 feet); 9) $N.70^{\circ}20'16''E.$, 104.59 feet; thence $N.00^{\circ}37'07''E.$, 136.09 feet to a point on the Southerly right-of-way line of the aforesaid Golf and Sea Boulevard; thence continue $N.00^{\circ}37'07''E.$, 120.00 feet to a point on the Northerly right-of-way line of the aforesaid Golf and Sea Boulevard, said point also being the Southerly boundary of the aforesaid Lot 25, Block 39; thence along said Northerly right-of-way line, $S.89^{\circ}22'53''E.$, 30.00 feet to the Southeast corner of said Lot 25, Block 39; thence along the East boundary of said Lot 25, $N.00^{\circ}37'07''E.$, 125.00 feet to the Northeast corner of said Lot 25, Block 39; thence along the Northerly boundary of said Block 39, the following five (5) courses: 1) $N.89^{\circ}22'53''W.$, 64.31 feet to a point of curvature; 2) Southwesterly, 1120.85 feet along the arc of a curve to the left having a radius of 845.00 feet and a central angle of $76^{\circ}00'00''$ (chord bearing $S.52^{\circ}37'07''W.$, 1040.47 feet) to a point of reverse curvature; 3) Southwesterly, 527.66 feet along the arc of a curve to the right having a radius of 398.28 feet and a central angle of $75^{\circ}54'31''$ (chord bearing $S.52^{\circ}34'23''W.$, 489.91 feet) to a point of tangency; 4) $N.89^{\circ}28'22''W.$, 1374.19 feet to a point of curvature; 5) Northwesterly, 1243.78 feet along the arc of a curve to the right having a radius of 915.00 feet and a central angle of $77^{\circ}53'00''$ (chord bearing $N.50^{\circ}31'52''W.$, 1150.21 feet) to the **POINT OF BEGINNING**.

Containing 45.824 acres, more or less.

TOGETHER WITH THE FOLLOWING:

TRACT "V"

DESCRIPTION: A parcel of land lying in Sections 28, 29, 32 and 33, Township 31 South, Range 19 East, Hillsborough County, Florida and being more particularly described as follows;

From the Southwest corner of the Northwest 1/4 of Section 32, Township 31 South, Range 19 East, run thence N.00°53'55"E., 60.00 feet along the West boundary of the Northwest 1/4 of said Section 32; thence S.89°25'58"E., 780.75 feet along the North right-of-way line of Villemaire Road (also being a line 60.00 feet North of and parallel with the South boundary of the Northwest 1/4 of said Section 32) to the **POINT OF BEGINNING**; thence along the Easterly boundary of property deeded to Hillsborough County and recorded in Official Records Book 7073, Page 320, Public Records of Hillsborough County, Florida the following two (2) courses: 1) N.00°36'25"E., 668.30 feet; 2) S.89°16'25"E., 1860.63 feet to the Westerly maintained right-of-way line of Leisey Road; thence N.00°55'35"E., 514.13 feet along said Westerly maintained right-of-way line to the North boundary of a 30 foot wide Drainage Canal as recorded in Deed Book 1106, Page 308, Public Records of Hillsborough County, Florida; thence N.59°07'43"W., 937.77 feet along said Drainage Canal; thence N.31°17'43"W., 2730.60 feet along said Drainage Canal to the West boundary of the aforesaid Section 29; thence N.00°28'03"E., 1168.22 feet along said West boundary to the Northwest corner of the Southwest 1/4 of said Section 29; thence S.89°17'14"E., 1026.94 feet along the North boundary of the Southwest 1/4 of said Section 29 to the centerline of a drainage canal; thence along the centerline of said canal the following fourteen (14) courses: 1) N.12°57'40"W., 112.26 feet; 2) N.00°11'29"W., 77.99 feet; 3) N.26°34'39"E., 26.86 feet; 4) N.28°19'33"E., 51.78 feet; 5) N.35°31'21"E., 99.07 feet; 6) N.36°11'35"E., 79.11 feet; 7) N.36°16'26"E., 89.95 feet; 8) N.36°29'54"E., 92.87 feet; 9) N.37°43'25"E., 72.46 feet; 10) N.36°45'54"E., 83.83 feet; 11) N.36°54'42"E., 74.67 feet; 12) N.34°31'46"E., 77.69 feet; 13) N.38°01'31"E., 79.67 feet; 14) N.38°17'39"E., 111.88 feet to a point on the curved Southerly boundary of Biscayne Canal according to the plat of APOLLO BEACH - UNIT SIX, as recorded in Plat Book 37, Page 88, Public Records of Hillsborough County, Florida; thence along the Southerly boundary of said Apollo Beach Unit Six, the following four (4) courses: 1) Southeasterly, 1328.34 feet along the arc of a curve to the left having a radius of 1305.00 feet and a central angle of 58°19'14" (chord bearing S.60°18'45"E., 1271.74 feet) to a point of tangency; 2) S.89°28'22"E., 1374.19 feet to a point of curvature; 3) Northeasterly, 723.06 feet along the arc of a curve to the left having a radius of 788.28 feet and a central angle of 52°33'18" (chord bearing N.64°14'59"E., 697.97 feet); 4) S.89°22'53"E., 442.25 feet; thence S.00°49'48"W., 653.98 feet to the South boundary of the Northeast 1/4 of said Section 29;

thence S.89°17'14"E., 190.17 feet along said South boundary of the Northeast 1/4 of Section 29, to the Northwest corner of the Southwest 1/4 of the aforesaid Section 28; thence S.89°22'16"E., 1051.33 feet along the North boundary of Tract 62, RUSKIN TOMATO FARMS, according to the plat thereof as recorded in Plat Book 27, Page 110, Public Records of Hillsborough County, Florida; thence S.00°53'15"W., 1354.39 feet along the West boundary of the East 269.17 feet of said Tract 62 and a Southerly projection thereof to the South right-of-way line of Leisey Road (North boundary of Tract 71 of said RUSKIN TOMATO FARMS); thence S.89°19'05"E., 1562.31 feet along said South right-of-way line (North boundary of Tracts 71 and 72 of said RUSKIN TOMATO FARMS) to the intersection right-of-way for Leisey Road with U.S. Highway No. 41 (S.R. 45); thence S.41°51'46"E., 65.34 feet along said intersection right-of-way line; thence along the Westerly right-of-way line of said U.S. Highway No.41 the following six (6) courses: 1) S.47°13'56"W., 349.59 feet; 2) S.47°17'54"W., 4033.93 feet to a point of curvature; 3) Southwesterly, 990.76 feet along the arc of a curve to the right having a radius of 11409.16 feet and a central angle of 04°58'32" (chord bearing S.49°47'10"W., 990.45 feet); 4) N.37°43'34"W., 18.00 feet to a point on a curve; 5) Southwesterly, 81.61 feet along the arc of said curve to the right having a radius of 11391.16 feet and a central angle of 00°24'38" (chord bearing S.52°28'44"W., 81.61 feet); 6) S.77°22'04"W., 129.32 feet to the North right-of-way line of the aforesaid Villamaire Road; thence N.89°25'58"W., 3401.98 feet along said North right-of-way line (also being a line 60.00 feet North of and parallel with the South boundary of the Northwest 1/4 of said Section 32) to the POINT OF BEGINNING.

Containing 668.298 acres, more or less.

TOGETHER WITH THE FOLLOWING:

TRACT "W"

DESCRIPTION: A parcel of land lying in the South 1/2 of Section 32, Township 31 South, Range 19 East, Hillsborough County, Florida and being more particularly described as follows:

BEGINNING at the Northeast corner of the Southwest 1/4 of Section 32, Township 31 South, Range 19 East, run thence S.89°25'58"E., 492.97 feet along the North boundary of the Southeast 1/4 of said Section 32; thence S.00°46'29"W., 836.58 feet to the Westerly right-of-way line of U.S. Highway No. 41 (S.R. No.45); thence S.52°46'06"W., 315.97 feet to along said Westerly right-of-way line to a point of curvature; thence Southwesterly, 388.78 feet along the arc of a curve to the left having a radius of 7211.97 feet and a central angle of 03°05'19" (chord bearing S.51°13'26"W., 388.73 feet) along said Westerly right-of-way line; thence N.89°28'12"W., 1272.63 feet; thence N.00°55'56"E., 1277.53 feet to the North boundary of the Southwest 1/4 of said Section 32; thence S.89°25'58"E., 1324.84 feet along the North boundary of the Southwest 1/4 of said Section 32 to the **POINT OF BEGINNING**.

Containing 50.515 acres, more or less.

ALTOGETHER containing 764.637 acres, more or less.

AGC-AB-001

P:\APOLLO BEACH\APOLLO-CDD

VBR

January 30, 1999

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

August 4, 1999

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
401 SOUTH MONROE STREET
TALLAHASSEE FL 32399-0250

Re: Ordinance #99-11
Establishing The Harbor Bay Community Development District

Dear Ms. Cloud:

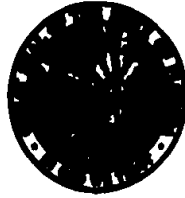
Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #99-11, adopted by the Board of County Commissioners on July 27, 1999. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By: Judith M. Grose
Judith M. Grose
Senior Manager, BOCC Records

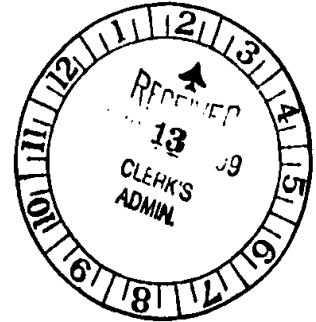
jg
Attachment
Federal Express AB #800148168811

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pascoola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART



August 5, 1999

Honorable Richard Ake
Clerk to Board of Commissioners
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601

Attention: Judith M. Grose, Senior Manager

Dear Mr. Ake:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated August 4, 1999 and certified copy of Hillsborough County Ordinance No. 99-11, which was filed in this office on August 5, 1999.

Sincerely,

Liz Cloud, Chief *lm*
Bureau of Administrative Code

LC/lc